IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 31194 of 2007(L)

PETITIONER:

M/S. SHAH AGENCIES,
BHARATH PETROLEUM DEALERS, CHEROOTTY ROAD,
KOZHIKODE-673 001, REPRESENTED BY ITS MANAGER.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SRI.BRIJESH MOHAN

RESPONDENTS:

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1. THE ASSISTANT CONTROLLER,
LEGAL METROLOGY, CIVIL STATION, KOZHIKODE,
PIN-673 020.

2. THE DEPUTY CONTROLLER OF LEGAL METROLOGY
NORTH ZONE, KOZHIKODE, PIN-673 020.

BY G.P.SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P.(C) No. 31194 of 2007

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Dated this the 23rd day of October, 2007

JUDGMENT

Petitioner is a Petrol Dealer of Bharath Petroleum Corporation Ltd. Pursuant to an inspection conducted on 11-10-2007, the 1st respondent issued Ext.P3 notice suspending sales through five dispensing units of the petitioner. However, it is submitted that, at the request of the petitioner, the 1st respondent later allowed sales through two dispensing units. It is also submitted that even though the petitioner made requests for re-stamping of the balance three dispensing units, there was no response from the 1st respondent. Hence, the writ petition has been filed for a direction to the respondents to re-stamp the three dispensing units mentioned in Ext.P3 forthwith.

2. A reading of Ext.P3 would show that even though variations were noticed by the 1st respondent, there is no allegation that the petitioner had tampered with the seals. If that be so, even if the prosecution is to be launched against the petitioner, there is no reason to delay in re-stamping of the dispensing units of the petitioner. This view has been taken by this Court in the judgment in W.P.(C) No.29639/2007, a copy of which is produced as Ext.P6.

3. In view of the above and for the reasons stated in Ext.P6 judgment, I direct the respondents to re-stamp the three dispensing units of the petitioner mentioned in Ext.P3 memo dated 11-10-2007, as early as possible and at any rate within seven days from the date of receipt of copy of this judgment.

The writ petition is disposed of as above.

Antony Dominic,
Judge.

mn.